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# WOMEN IN INDONESIA & EAST TIMOR

***Standing against repression***

HUMAN RIGHTS ARE WOMEN'S RIGHT

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# WOMEN IN INDONESIA AND EAST TIMOR

## Standing against repression

**Farmers from West Java demanding fair compensation for their land, earmarked for the construction of a golf course © *AFP***

### INTRODUCTION

In May 1993 a woman in the Indonesian capital, Jakarta, was beaten up by 12 police officers as they came to arrest her on suspicion of conducting a gambling den in her house. A police spokesperson said that the police had "become emotional and slapped" the woman, and that the case had been settled on the spot. Two weeks later she was still being treated for cerebral haemorrhage in hospital. In December 1994, a female student activist was released from prison. She had been sentenced to one year's imprisonment for participating in a peaceful demonstration during which she had called on Indonesia's President Suharto to take responsibility for human rights violations committed by members of the security forces during his years in power.

Women in Indonesia and East Timor suffer extrajudicial executions, "disappearances", torture, arbitrary arrest, unfair trial, imprisonment for peaceful expression of opposition to the government, and the death penalty. Many Indonesian and East Timorese women have received threats and suffered harassment from the security forces, and have been raped in detention. Women political activists seeking to promote labour rights and human rights, those opposed to development projects, religious activists or alleged supporters of separatist movements, are all at risk.

Most of the women who suffer human rights violations in Indonesia and East Timor live in poor,

isolated communities and are often employed as labourers. They have limited access to independent lawyers or human rights groups. This can often mean that they are more vulnerable to human rights violations and, when their rights are violated, are less likely to report it, or seek justice.

Women are still less likely to report violations such as torture, including rape, and sexual harassment, because these are frequently felt to be shameful. Former women prisoners describing torture and rape almost 30 years afterwards still cry when recalling their humiliation and refuse to be publicly identified. East Timorese women who have been raped are considered to have lost their "purity". It is not surprising then that when East Timorese women are raped, whether by agents of the state or not, they will tell no one but priests or nuns in an act of confession for their "sins".

In recent decades there has been an improvement in certain aspects of women's lives in Indonesia and East Timor. Literacy among women has increased as a result of women having greater access to education. Despite continuing concerns about high levels of mortality during childbirth, women's health has improved. Theoretically, Indonesian women have equality before the law. While women have benefited in some ways from economic growth in Indonesia, they are still overwhelmingly employed in lower skilled and paid jobs. They have a low rate of participation in Indonesian politics and are under-represented at the senior levels of the judiciary and the bureaucracy. Women seeking to change this situation and to tackle other issues, such as violence against women, face many obstacles, including human rights violations.

In recent years Indonesia has taken a leading role in international conferences, including those concerned with human and women's rights. In 1994 the government hosted the Second Asian and Pacific Ministerial Conference on Women in Development, one of the preparatory meetings leading up to the United Nations (UN) Conference on Women, in Beijing, in September 1995. In the government's address at the Conference, Indonesian Minister for the role of Women, Mien Sughandi, stated:

> *"...women are not seeking to formulate a set of rights, but rather to exercise and enjoy inalienable human rights as recognised by the international community."*

The Jakarta Declaration, adopted at the preparatory meeting, recognized that the human rights of women are "inalienable, integral and indivisible parts of universal human rights". Significantly, the Declaration stated that implementation of the "provisions of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention on Women), the Convention on the Rights of the Child, the Declaration on the Elimination of Violence against Women, and other relevant human rights instruments and UN resolutions, is crucial." Indonesia has ratified the Convention on Women, which places a special responsibility on Indonesia to protect and promote the rights of Indonesian and East Timorese women. In theory, Indonesia has also acknowledged that women's rights are inalienable human rights. However, the commitment is not borne out in practice.

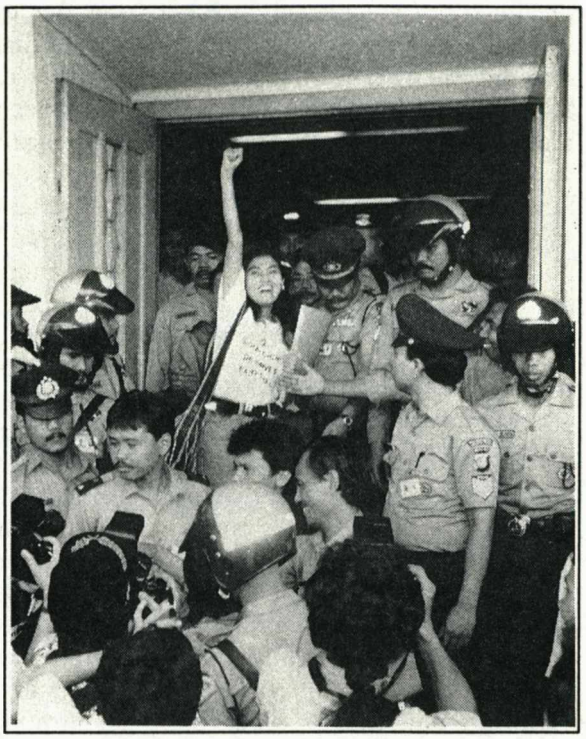
# 1. POLITICAL IMPRISONMENT IN INDONESIA AND EAST TIMOR

## Women prisoners of conscience

In recent years several women in Indonesia and East Timor have been jailed for their activism. Amnesty International believes many of them are prisoners of conscience. Women involved in land disputes, Islamic or other religious activities, and those expressing opposition to central rule in areas such as Aceh and Irian Jaya, are particularly at risk of arbitrary arrest and imprisonment. Yeny Rosa Damayanti, a student activist, was detained and tried along with 20 other peaceful student demonstrators. The students held a demonstration outside the national parliament in Jakarta, on 14 December 1993, calling on President Suharto to take responsibility for human rights violations committed by government forces during his time in office. Yeny Rosa Damayanti and the other students were charged under Article 134 of Indonesia's Criminal Code which states that insulting the Head of State is an offence punishable by up to six years in prison. While the prosecutor argued that the students had "intentionally and consciously" defamed the President and the House of Representatives, Yeny Rosa Damayanti believes that she and the others were arrested because they questioned the dominance of the military in Indonesian society and politics. She was sentenced to six months' imprisonment after an unfair trial. The prosecution challenged the sentences in the High Court, and as a result Yeny Rosa Damayanti's sentence was increased to one year. Since her release she has become the target of government attack for her alleged role in demonstrations against human rights violations in Indonesia and East Timor, which took place in Germany during a visit by the Indonesian President in April 1995.

Teruko Wainggai, a woman from Irian Jaya, was sentenced to eight years' imprisonment for her alleged role in a peaceful flag-raising ceremony in Irian Jaya in December 1988. Teruko Wainggai, along with her husband, were found guilty after being tried under the Anti-Subversion Law. She was released in 1993 but her husband, who received a 20-year prison sentence, is still in jail.

Women have been jailed as political prisoners and prisoners of conscience since Indonesia's invasion of East Timor in 1975. Felesmina dos Santos Conceiçao is currently serving a prison sentence for stealing "secret documents". She was arrested in November 1991 after the Santa Cruz massacre in Dili, during which the security forces fired on peaceful demonstrators killing up to 270 civilians. She had taken documents from the military command where she worked and distributed them. The



**Yeny Rosa Damayanti, former prisoner of conscience. At her trial she said, "I do not think that saying 'Armed Forces — do not hurt people' is defaming anyone".**

documents are believed to have been the transcripts of an interview with a Portuguese journalist and the East Timor Governor, and to have contained information about the schedule and accommodation of a Portuguese parliamentary delegation expected to visit East Timor. Felesmina was sentenced to five years in jail and is currently detained at Dili's Becora Prison. Amnesty International believes that she may be a prisoner of conscience.

## Arbitrary detention and harassment on political grounds

A common experience for women in Indonesia and East Timor is arbitrary detention or the threat of imprisonment. Arrests and interrogations are frequently carried out in contravention of Indonesian law. In many cases, detainees are arrested and interrogated in military, rather than police, detention. Arrest warrants are rarely used and, once in detention, detainees are frequently denied access to independent lawyers. Arbitrary and incommunicado detention is routinely used to intimidate suspected opponents and to gather political intelligence. It is also used to prevent or break up strikes, peaceful gatherings, demonstrations and exhibitions. Arbitrary detention now tends to be short-term as suspects are interrogated, often threatened or ill-treated, but released within the 24-hour legal limit. In October 1994, two Irian Jayan women, Yuliana Magal and Yosepha Alomang, were detained for one month because of their family ties to a local leader of the *Organisasi Papua Merdeka* (OPM), Free Papua Movement. East Timorese women are subjected to arbitrary detention, intense military surveillance, threats and harassment either because of their own political activities or because of those of members of their families. Armandina Gusmão dos Santos, the sister of East Timorese resistance leader, Xanana Gusmão, was detained by police and interrogated at the same time that her brother was arrested in November 1992. Although she was detained for more than six weeks, she was never charged, but appeared to be held solely on the grounds of her brother's activities.

Lurdes Pereira's brother, Jose Henrique Pereira, was sentenced to two years and one month in jail after an unfair trial, for his role in a peaceful demonstration at the University of East Timor in Dili on 9 January 1995. Lurdes Pereira tried to meet with her brother when he was first arrested. Instead, the officers at the police headquarters accused Lurdes Pereira of being involved in the Santa Cruz demonstrations of November 1991, and denied her access. After intervention by the International Committee of the Red Cross, she was able to meet her brother, who described how he had been beaten. The day after her visit, Lurdes Pereira was visited by a police officer who allegedly threatened her and her father, accusing them of being security disturbers (*Gerakan Pengacau Keamanan* — GPK), the term used by the authorities for alleged separatists. The policeman returned regularly after this and tried to put pressure on Lurdes Pereira to "marry" him by telling her that he could prevent the authorities' plans to arrest her if she married him. She then left Dili.

Another East Timorese woman has described how her family has been subjected to a high level of surveillance because they are known to be pro-independence supporters. In November 1991, Rita (not her real name) was a participant in the Santa Cruz demonstration. She escaped arrest, but her brother was detained without charge or trial for almost a year after the massacre. Since then she has tried to maintain a low profile, although she is certain that military surveillance officers keep a close watch on her and her family. During the first few months of 1995 gangs of hooded individuals, believed to be acting with the connivance of the security forces, began terrorizing communities in Dili and other East Timorese towns. The gangs, locally referred to as "ninjas", targeted Rita's family house. On two occasions, a "ninja" allegedly broke into the house but fled on being discovered. In February, during a confrontation between the "ninjas" and the local community, Rita's house was pelted with rocks as police stood by without intervening. When her cousin reportedly questioned the police about why they would not act, the police threatened Rita and her cousin with their guns and accused them of being GPK.

## Human rights violations against women labour activists

### Background

Women involved in labour activities in Indonesia are at a high risk of suffering human rights violations. The reasons for this are twofold. Firstly, the Indonesian Government imposes strict restrictions in law and in practice on labour activities, resulting in those working towards better conditions for labourers being at risk of arrest and imprisonment. Secondly, the percentage of women working outside the home is increasing in Indonesia, with women making up a large percentage of workers in the manufacturing industry — an area of low wages and poor conditions.

Only one trade union federation is recognized in Indonesia, the government-sponsored *Serikat Pekerja Seluruh Indonesia* (SPSI), All Indonesia Workers Union. Despite this, workers continue to

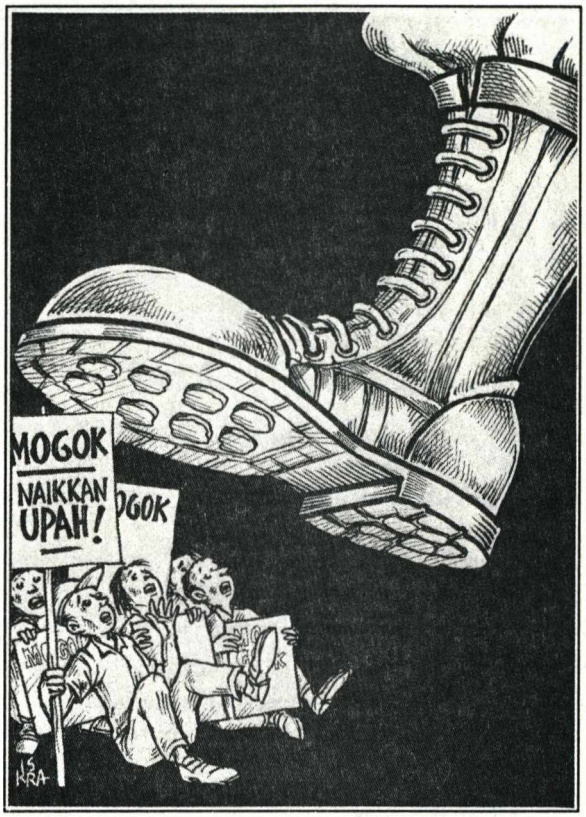
organize outside SPSI by forming independent trade unions and workers' organizations, none of which has been given official recognition by the government. The most prominent of these is the *Serikat Buruh Sejahtera Indonesia* (SBSI), Indonesian Prosperous Workers' Union. The government has used various methods, including intimidation, military surveillance and arrest, to undermine independent unions such as the SBSI. Indonesian Government figures indicate that the percentage of women workers has increased since 1980, from 32.4 per cent of the workforce, to 45.4 per cent in 1993.[1] This increase is largely a result of the government's economic policies during the mid- to late 1980s which encouraged a decrease in Indonesia's dependence on oil and gas exports, by fostering other export industries, such as manufacturing, particularly clothing, textiles and footwear, which draw heavily on unskilled female labour. Indonesia's exploitation of cheap labour has been at the centre of this policy. Today in Indonesia, the minimum daily wage is still lower than all other countries in southeast Asia except the former Indochina countries. Despite the low level of the statutory minimum wage, many companies do not pay even this and government sanctions against employers paying less than the minimum wage are not effective.

Women factory workers often receive less than their male counterparts because they are frequently employed on a daily basis which relieves companies of the obligation to pay benefits such as insurance and holiday pay. Some are also paid at piece rates. Under these conditions, and despite the dangers and restrictions associated with labour activism, Indonesian workers have carried out strike actions and demonstrations with increasing frequency in recent years. Most of these strikes have occurred in the major industrial centres near the capital city of Jakarta, in Surabaya, East Java, and in Medan, North Sumatra.

Striking workers generally make the same demands: improvement in working conditions, compliance with minimum wage conditions and an increase in the minimum wage. Workers have also demanded freedom to organize, an end to military intervention in labour disputes, and proper investigations into past human rights abuses against workers. Specific issues raised by striking women workers include non-compliance with paid menstruation leave, maternity leave and holiday pay, unfair dismissal and sexual harassment.

### Harassment and imprisonment of women labour activists

The most common experiences for labour activists is the threat of imprisonment or short-term detention. Dita Indah Sari, the leader of an independent




**"On strike — raise wages!"**
***Cartoon by Yayak***

**Hayati was detained for her peaceful activities on behalf of workers. Amnesty International believes that she was a prisoner of conscience**

trade union, and six others are facing charges for what appears to be their non-violent role in a demonstration in July 1995. The seven were arrested on 18 July after a demonstration by thousands of workers from PT Great River Industries in the city of Bogor, West Java. Although released from detention the day after their arrest, they were accused by the police of violating Article 218 of the Indonesian Criminal Code, which carries a maximum penalty of four months and two weeks for those refusing to move from a streetcrowd when ordered to by the authorities.[2] After the strike, the Indonesian Government stated that "there are strong indications of political elements at play here. There are people who used those workers for their own political interests".[3] By October it was not known whether the seven would be tried. In May 1995 in Surakarta, Central Java, two women, Dyah Karyati and Sulistyani, were subjected to police interrogations for their role in assisting a woman labourer seeking legal action against her former employer for alleged sexual harassment. Both women have been summonsed under Article 155 of the Criminal Code, prohibiting the expression of hatred or contempt towards the government through the public media, with a maximum penalty of four and a half years' imprisonment.

Hayati, aged 24, is the treasurer of SBSI in Medan, a position she has held since 1993. She was jailed and tried for her alleged role in inciting workers to strike after the riots and demonstrations in Medan in April 1994.[4] Hayati was arrested on 17 April when three police officers came to her house and said they were taking her in for questioning. They did not have an arrest warrant but showed her one for the Chair of SBSI in Medan, Amosi Telaumbanua. Hayati was interrogated at the main police office in Medan from 4pm until midnight. She claims that the police threatened to beat her, saying, "You have to be honest with us or we will do to you what we did to Riswan", referring to Riswan Lubis, the secretary of SBSI in Medan, who had been beaten after his arrest on 15 April. During her first week in detention, Hayati had no contact with lawyers. She was charged under Articles 160 and 161 of Indonesia's Criminal Code. Article 160 states that those who incite others to disobey a government order or to break the law can be sentenced to a maximum of six years' imprisonment. Article 161 specifies a maximum of four years in jail for distributing written materials which do the same. The specific allegations against Hayati were that she had held meetings with other workers prior to the demonstrations, at which discussions regarding the strategy for the demonstration took place. She was also accused of encouraging workers to attend the demonstrations.[5] She was sentenced in October 1994 to seven months' imprisonment.

During her time in detention, Hayati was beaten and kicked by prison guards because she refused to clean a prison vehicle. She was released in November 1994 and since then she has continued to face difficulties because of her activities with SBSI. Like others imprisoned because of the demonstrations, Hayati has experienced obstacles in obtaining employment, she says because employers consider her to be a trouble-maker. Non-governmental organization activists and workers claim that employers have been provided with a list of those detained in connection with the demonstrations. Amnesty International believes that Hayati was a prisoner of conscience, detained simply for her role in protecting workers' rights.

Women labour activists in Surabaya, one of Indonesia's largest industrial areas, have faced considerable repercussions for their activism. Two of these, Ayu and Ina (not their real names), interviewed by Amnesty International in April 1995, worked with PT Ria Star Indonesia, a company whose workforce is about 80 per cent female. Ayu and Ina were part of a group of worker's representatives trying to negotiate improvement in workers' conditions, frustrated at the lack of action on their behalf by the official SPSI. In March 1993, after the workers staged a strike, Ayu, Ina and three other workers' representatives were called to a management meeting with company managers, local military and police officers, representatives from the Departmment of Manpower and the SPSI. The five were accused of holding an illegal meeting and inciting workers to strike. They were told to report to the local police office the next day, where they were questioned for several hours and threatened with imprisonment for organizing an illegal meeting.

Later the same month, Ayu received two summonses, one to report to the police and one to report to KODIM (District Military Command). She complied with the military summons for the next day and was questioned for about seven hours about the strike that took place the week before. The next day she was taken to the police office by her employers. Two days later she was called back to KODIM. During one week in April, both Ayu and Ina, along with two other workers' representatives, were called on a daily basis to both the police and the KODIM office, where they were accused of inciting workers to strike. Three of the representatives, including Ayu and Ina, were subsequently dismissed. Both women are seeking to challenge the legality of their dismissal.

Both Ayu and Ina have continued their labour activities. Ayu has found work under a false name with another company due to the difficulties she had trying to get work under her own name. During a demonstration of the company's workers in February 1995, Ayu was detained by the police apparently for being a participant in the demonstration. When the police discovered she was using a false identity card, they began the process of charging her for this. A week later, however, after discovering who she was and connecting her with previous industrial activities, the police agreed to drop the charges, if she resigned. Both Ayu and the police knew that if she left her job, her labour activities would be restricted. She refused to leave her job voluntarily and was subsequently suspended. By April 1995 the issue of the charge had not been clarified and remained pending. Ayu is concerned that the charge will be held over her for the police to use if the need arises.

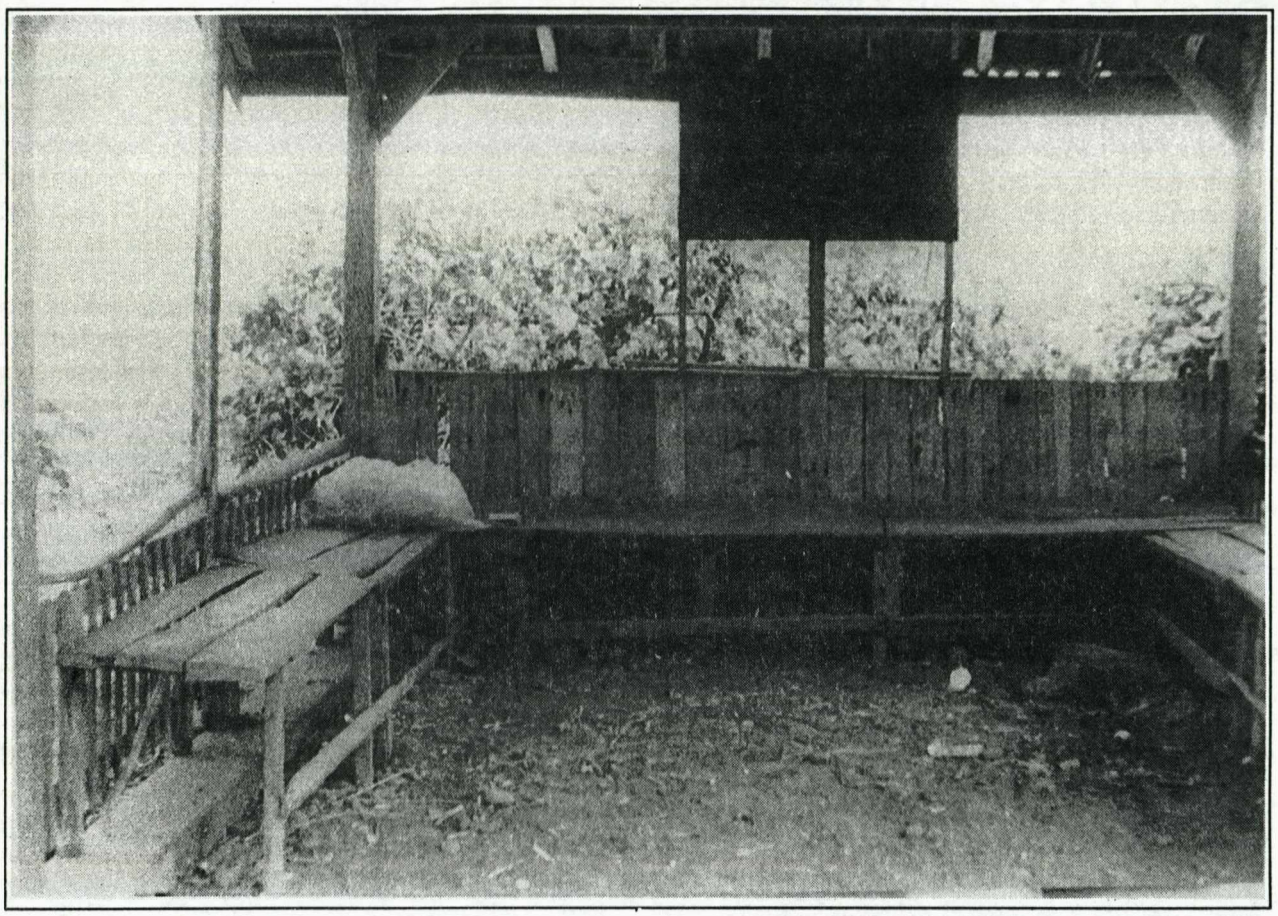
Ina believes that the tactics used by the authorities are now more sophisticated. Extensive military and police surveillance allows the authorities to prevent industrial action before it actually occurs. Four workers in Surabaya were taken to the police by company security guards in January 1995 when information leaked out that they were planning industrial action. In April 1995, four female workers and their male colleague from Jakarta launched legal action against their former employer, PT Lieka Saripratama, when they were reportedly sacked without clear reason, after holding a demonstration demanding better working conditions.[6]

### Marsinah: still waiting for justice

> *"The killing of Marsinah already represents an example of the wrongful and sickening use of authority... Now the investigation of her death is being conducted by means of abuse of authority that is even more sickening."*[7]

The rape, torture and murder of labour activist Marsinah has come to symbolize the risks facing workers and in particular, women workers in Indonesia. The controversy surrounding the investigation into her death continues to keep the issue in the spotlight. Now, more than two years after Marsinah's death, questions concerning who was responsible remain unanswered. The response by the Indonesian Government has not demonstrated a commitment to accountability for members of the security forces. There has not yet been a full and impartial investigation.

The circumstances of Marsinah's "disappearance" and death, and of the official investigation, strongly suggest that the murder was planned and carried out with the knowledge and acquiescence of military authorities. Marsinah was found dead in a small shack at the edge of a field about 200 kilometres from her home in Porong, East Java, on 8 May 1993. Her body was bloodied and covered in bruises, and her neck bore the marks of strangulation. An autopsy revealed that her attackers had



**The shack where Marsinah's body was found © *Yayasan Arek***

thrust a blunt instrument into her vagina causing severe bleeding. In the days before her death, Marsinah had been actively involved in a strike at the watch factory, PT Catur Putra Surya, where she worked. Military authorities, including the commanders of KODIM and the Sub-District Military Command (KORAMIL), had intervened directly in the dispute, and interrogated the workers about their role in the strike. On 5 May, 13 workers were summoned by the military and forced to resign or face charges for holding "illegal meetings" or "inciting" others to strike. During the interrogations, some workers were beaten and one was threatened with death. That evening Marsinah went to the local military headquarters to look for her colleagues. She subsequently "disappeared".

Pressure from labour activists and human rights groups forced the police to open an investigation, but it was swiftly taken over by military intelligence authorities. At the outset the authorities strenuously denied that Marsinah's death was related to the labour dispute and attempted to underplay all evidence of military involvement. However, in November 1993, nine civilians, all of them company staff or executives, and one military officer, the KORAMIL commander, were charged in connection with the murder and brought to trial. Serious irregularities in the arrest, investigation and trial procedures — which violated both international law and Indonesia's Code of Criminal Procedure — suggested that the trials were intended primarily to obscure the role of the military in the killing. Several of the accused, including one woman, were kidnapped by military intelligence officers in early October 1993, held incommunicado for up to three weeks, and forced to confess to the murder, some of them under torture.

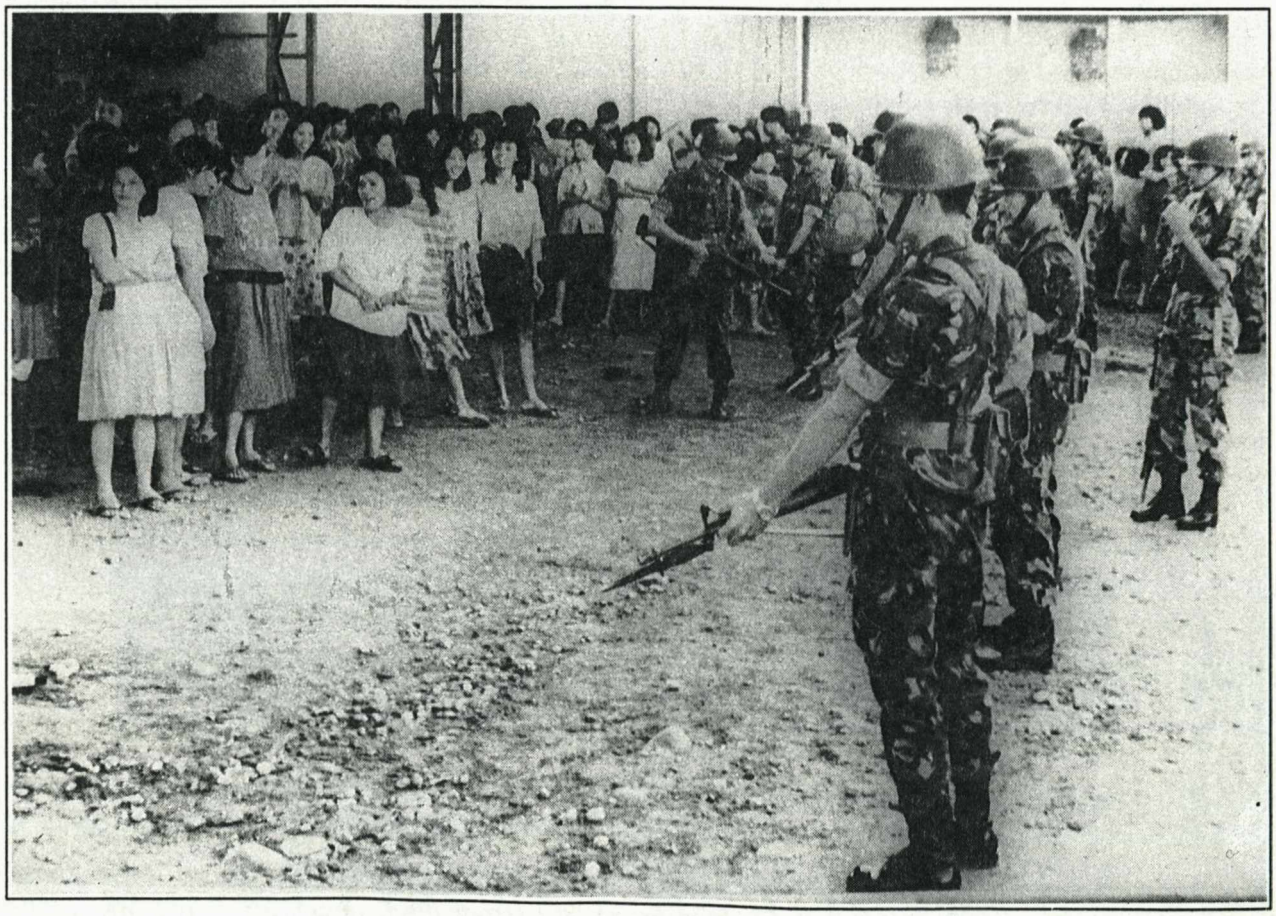
In March 1994 the *Komisi Nasional Hak Asasi Manusia (Komnas HAM),* Indonesian National Human Rights Commission, a body established by President Suharto, released a report on Marsinah's death which suggested that some of the defendants had been tortured, that the basic rights of all of them had been violated by the military authorities, and that "other parties" may have been involved in Marsinah's murder. After extensive investigations, *Lembaga Bantuan Hukum* (LBH), Indonesia's Legal Aid Foundation, concluded that there was a strong possibility that Marsinah had been killed in the KODIM headquarters and that responsibility for the murder lay with higher ranking military authorities. During the trials, all nine civilian defendants retracted their statements saying that they had been extracted under duress or torture. Despite this evidence and the findings of both the LBH and *Komnas HAM*, the court proceeded with the trials, and

the nine civilians and the military officer received prison sentences ranging from seven months to 17 years. The longest sentence was handed down to Yudi Susanto, the director of the company, for masterminding the murder. The sole military officer arrested, the KORAMIL commander, Captain Kusaeri, was convicted on a disciplinary offence for failing to report a crime, and was tried before a military court. He received a nine-month prison sentence. In November 1994 the East Java High Court overturned the conviction against Yudi Susanto. The other eight convictions were referred to Indonesia's Supreme Court. Captain Kusaeri, who had by then been released, did not appeal. In May 1995 the remaining convictions were also overturned by the Supreme Court and the police announced that the case would be reopened.

The role of the military in the industrial dispute at PT Catur Putra Surya and in Marsinah's death remains unresolved. When the police reopened the case in May 1995, they were apparently reluctant to interview military officers in relation to the murder. When four military officers were finally questioned in June 1995, the East Java Regional Military Commander, Major General Imam Utomo, stated that the officers were being questioned not for their role in the murder, but rather for their role in the sacking of the 13 workers in May 1993, prior to Marsinah's death.[8] Those believed to have been questioned include the Head of the Intelligence Section of Sidoarjo KODIM, Captain Sugeng.

Throughout the previous and the current investigation, the findings of *Komnas HAM* have been almost completely ignored. In December 1994, after Yudi Susanto's conviction was overturned, a *Komnas HAM* member questioned the reluctance of the police to investigate possible suspects other than the 10 convicted. In response, the Head of East Java Regional Police Information, Lieutenant-Colonel (police) Ahmad Rifai, stated that if *Komnas HAM* did have proof of the possibility of other individuals' involvement, then that information should be surrendered to the police.[9] In May 1995 *Komnas HAM* again questioned why its findings, already submitted to the authorities, had until then been ignored and stressed that the real suspects were not those previously convicted.[10] The existence of *Komnas HAM* is frequently referred to by both the Indonesian Government and foreign governments as evidence of an improving human rights situation. However, the government has no legal obligation to act on its findings and the dire consequences of this weakness have been borne out in Marsinah's case.

Amnesty International is concerned that, although the police inquiry is supposed to consider



**Soldiers with automatic weapons stand guard as women workers strike at PT Catur Putra Surya.**

the manner in which the previous investigation into Marsinah's death was conducted, and in spite of evidence of torture and ill-treatment of the detainees, no action has yet been taken against the military officers responsible. Now released from prison, those accused of Marsinah's murder have provided further confirmation of the allegations that they had been tortured under interrogation. Mutiari, the only woman suspect, described how she was forced to confess to her involvement in the murder, was beaten and deprived of sleep:

> *"I was not allowed to sleep for three nights during the interrogation, which was marked by repeated orders that I be tortured with electric shocks. But it was just to scare me."*[11]

Meanwhile, as the inquiry moves slowly and ineffectually, Marsinah's family have yet to see justice done. The previous defendants have not seen those who beat and tortured them held to account.

Amnesty International urges the Indonesian authorities to consider seriously the findings of both LBH and *Komnas HAM*. The organization also calls on the Indonesian Government to initiate a new, independent and impartial investigation into the murder of Marsinah. This investigation should be carried out by a body which is independent of the military and police, and its findings be made public. The government should also ensure that those responsible for Marsinah's murder be brought promptly to justice in a civilian court. Amnesty International also calls upon the authorities to ensure that those responsible for the illegal detention, torture and ill-treatment of the previous defendants be brought promptly to justice in a civilian court. The organization also calls on the government to ensure that no woman engaging in labour activities is subjected to arbitrary arrest, imprisonment, torture and ill-treatment or extrajudicial execution.

# 2. TORTURE AND ILL-TREATMENT

## Background

Torture of detainees in both military and police custody in Indonesia and East Timor is common and has resulted in serious injury or death. Whether the victims are political or criminal suspects, there appears to be a standard set of methods used. While this does not prove that torture is overt government policy, it does indicate that the practice of torture has become institutionalized within the security forces. Torture is facilitated by several factors including the virtual impunity enjoyed by members of the security forces, unacknowledged detention and the frequent denial of access to lawyers for those in detention. Those at risk of torture include people arrested in the context of counter-insurgency operations, in areas such as Aceh and East Timor; members of poor communities; striking workers; student demonstrators; journalists; and criminal suspects. Testimonies received by Amnesty International indicate that torture methods include beatings on the head, shins and torso, using fists, lengths of wood, iron bars, cables, bottles and rocks; burning with cigarettes; electric shocks; death threats; suspension upside-down by the ankles; and sleep and food deprivation.

Torture and ill-treatment are prohibited under the Indonesian Criminal Code, the Code of Criminal Procedure and under various ministerial regulations. Many articles of the Code of Criminal Procedure offer protection against torture or ill-treatment. For example:

- Detainees have a right to consult with and to be accompanied by legal counsel of their own choice at all stages of interrogation (Articles 54, 55 and 57);
- Detainees have a right to have access to medical professionals (Article 58);
- Duress in any form may not be used by investigating officials to obtain information from a suspect or witness (Article 117).

However, these safeguards are routinely ignored by the police and military who frequently interrogate individuals without the presence of independent lawyers and often deny individuals access to their families and other visitors. Amnesty International continues to strongly recommend that all detainees should be accompanied at all stages of the interrogation by a lawyer of their choice. In addition, any evidence of ill-treatment in custody should be thoroughly investigated by the authorities, and evidence extracted under torture be considered inadmissible in court. All officials responsible for acts of torture should be brought to justice.

## Torture of women detainees

For women in detention, the conditions which allow torture to occur bring with them the particular fear of sexual harassment, molestation or rape. Women particularly at risk are those who do not have ready access to independent lawyers, such as criminal suspects and members of poor communities. Torture is frequently used to obtain information, to intimidate detainees and to obtain confessions. Amnesty International has received reports of torture and ill-treatment of almost 40 women, including labour and land activists, student demonstrators and criminal suspects, since 1993. This list is by no means comprehensive and Amnesty International fears that the real number of women tortured and ill-treated in detention is much higher. Many cases are not reported, particularly those involving criminal suspects and members of poor communities who are less likely to be able to obtain independent legal advice and to pursue a complaint.

In 1993 "Yati", an 11-year-old girl from Padang, was kidnapped by a policeman and raped until she was unconscious. Two women detained on criminal charges, Arin, aged 15 and Ny Sri, aged 25, were raped repeatedly by cadet police officers in a Semarang police station, in December 1994. In many cases, the torture and sexual abuse of women are intended to humiliate the victim. In May 1993 a man and woman who were alleged to have committed adultery were forced to have sex while under police interrogation.[12]

In January 1995 Evi (not her real name) was arbitrarily arrested and tortured because of her participation in a peaceful protest over land appropriation. On 16 January 1995 about 150 villagers from West Jakarta, including Evi, travelled to central Jakarta to present their claims to *Komnas HAM* and to Indonesia's Administrative Court. The group were stopped on the way by a group of military and police officers from the West Jakarta KODIM and West Jakarta Police Resort on the grounds that they were disturbing the peace. Twenty-two of the group, including Evi, were taken to the Police Resort where they were interrogated about, among other issues, a murder which had occurred on the disputed land. She was not allowed to leave, to have access to an independent lawyer or to meet her family. On the second day, Evi and nine other detainees were told they were being taken to KODIM in West Jakarta. In fact they were taken to a military intelligence unit. Independent lawyers were refused access.

Evi said that while in military detention, she could hear other detainees screaming and being beaten in another room. While she was interrogated, she was also beaten and tortured. She claims she was slapped, kicked and her skin smeared with ointment which made the pain more intense. She was also subjected to electric shocks. Lawyers who saw her four or five days after this said her face was still marked and swollen from the beatings. They said there were burn marks on her thighs, arms and back, apparently from the electric shocks. Evi also claims that the military officers forced her to take off her shirt and bra and accused her of being a "whore" and threatened to rape her. She was then forced to sign a statement which she was not permitted to read beforehand. She was released on 18 January. Evi had never been shown an arrest warrant or provided with the opportunity to seek legal advice. The statements that she and others were forced to make under torture may still form evidence in the court in relation to the land dispute.

In many cases, the attitude of government and security officials appears to condone the human rights violations. In March 1994 a woman inmate of Wirogunan Prison, in Yogyakarta, Sutarjinah, was hospitalised after she had been ill-treated by prison guards. Sutarjinah described how she was struck twice by a prison guard until she fell to the floor. The guard then stood on her head and smashed it against the floor. She was then placed in an isolation cell for 24 hours. She tried to call for help and was eventually found semi-conscious and vomiting in the cell. The head of the prison, admitting that force had been used, was quoted as saying that this is normal for those who disobey rules.[13] One former prisoner of conscience described how during her time in prison she witnessed many women prisoners arriving from military and police interrogation clearly having been beaten or tortured. She estimated that this was the case for about 50 per cent of those subjected to interrogation. One woman she spoke to had been beaten and had cigarette burns on her body.

Torture and ill-treatment also result from military and police intervention in labour disputes. Six women workers and five of their male colleagues were arrested in June 1994 as military police violently broke up a strike in Pematang Siantar, North Sumatra. All 11 and two others were subsequently tried and imprisoned in connection with the dispute. While in military detention, the detainees were subjected to torture and ill-treatment, including sexual abuse, and were denied access to lawyers. Despite claims by the Indonesian Government that military involvement in labour disputes is decreasing, the Pematang Siantar workers were all detained and interrogated by Resort Military Command (KOREM). The women were reportedly beaten regularly during interrogation. At least one of them was beaten so badly that hospital treatment was required. She was then presented with the

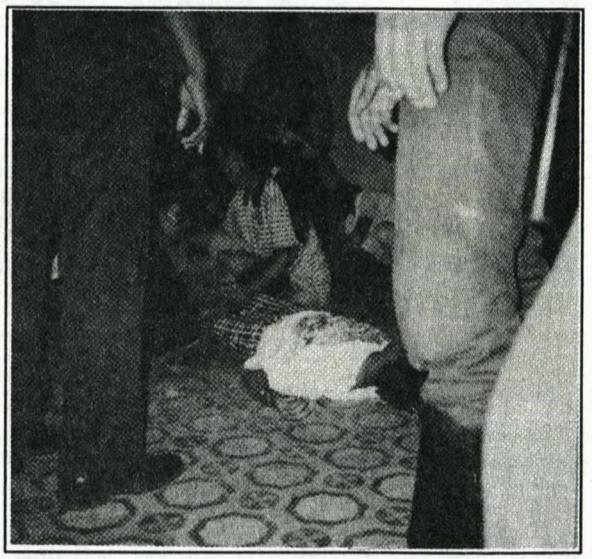
hospital bill. One woman detainee described being hit in the face and kicked during a five-hour interrogation session. She was then woken up five hours later for more questioning. At 8am, the morning after their arrests, the women were taken from their cells and forced to sing and dance for the military officers. One woman was told to raise her dress to her thighs. When she refused to do this she was held in solitary confinement. Another woman was kicked and hit and then forced to sing and dance for the military officers. On 28 December 1994 employees at PT Multi Manao Indonesia and PT Yosan Miky Sejahtera in Surabaya, East Java, frustrated at the failure of wage negotiations with their employers, staged a joint demonstration at the offices of the Department of Manpower. The demonstration lasted four days, during which the workers refused to allow a company lawyer, sent to negotiate with them, to leave. The demonstrators were finally forcibly removed by police, who reportedly kicked and beat many of them. At least four people needed hospital treatment as a result of the beatings, although it is believed that up to 10 — nine women and one man — had been injured.

The rape and sexual abuse of women in military and police custody are facilitated by the same conditions which allow torture to occur: lack of access to independent legal advice and to their families, denial of detention, and impunity. One female activist told Amnesty International that in 1989 a policeman attempted to rape her after stopping her and questioning her late one night in Jakarta. She reported the incident to the police but they took no action. Instead, her telephone details were passed on to the policeman who had molested her, who then rang her up repeatedly. In another case, in 1990, three policemen were convicted of raping a female detainee. The case received considerable publicity and the policemen were ultimately tried in a military court and received prison sentences of between three and a half and four years. Prior to going to court, pressure was put on the woman and her husband to drop the case.

## Ill-treatment of women detained as suspected prostitutes

Women are often arbitrarily arrested as suspected prostitutes under Indonesia's sporadic city "cleansing" programs. Amnesty International is concerned that during such operations women are at risk of ill-treatment such as being forced to undergo internal examinations, and at risk of sexual violence. This concern is heightened by the fact that many of those targeted are often individuals who may not be aware of their legal rights and may not know how to obtain independent legal advice.

Prostitution itself is not defined as a criminal



**Labourers beaten by police during a demonstration in Surabaya, East Java, in December 1994. Nine women were injured as a result of the confrontation.**

offence under Indonesia's Criminal Code, but the act of living from the earnings of prostitution is. Women suspected of being prostitutes can also be detained under regulations which allow for the arrest of those "disturbing law and order". The arrests usually occur prior to major international governmental meetings and also target street vendors, suspected criminals and beggars. The women are not charged or tried but are held in detention at rehabilitation centres, in most cases without access to legal advice. Upon arrest, the women have to pay someone to inform their family that they are in detention. The government argues that the program is designed to "rehabilitate" the women, by providing them with training in the centre. However, women who can afford it can be released by paying money. Those who cannot afford to pay remain unlawfully detained. On release, the women have to sign a statement saying that they will not engage in prostitution.

In 1991 Amnesty International received information about the rounding-up of women suspected of being prostitutes in Padang, Sumatra, some of whom were detained for up to a year. Sources claimed that among this group were women who denied they were prostitutes. In 1992, as Jakarta prepared for the Non-Aligned Movement (NAM) summit, suspected prostitutes were again rounded up. Two arrested in August 1992, both of whom denied they were prostitutes, were only released after the intervention of lawyers. Both women were subjected to vaginal examinations during interrogation. The head of the Rehabilitation Unit at the City Social Services Office attempted to justify the arbitrary arrest of the women, and the external examinations, by saying: "The problem is, many of the prostitutes arrested in such operations deny they are soliciting."[14] Another woman arrested in September 1992 claimed that she was sexually harassed by the officer at the rehabilitation centre, who told her that she could be released if she agreed to have sex with him.

Women were again arrested in 1994 when the government announced a major "clean-up" called *Operasi Bersih* (Operation Cleansing), in preparation for the Asia Pacific Economic Cooperation (APEC) meetings in Jakarta and Bogor. Prior to the meetings, the government announced in November, that 60 prostitutes had been arrested in Jakarta since early October.[15] In May 1994, two young women were arrested on suspicion of prostitution as they were returning home from night shift. The two were waiting for a bus outside a university, when they were arrested by five uniformed security officers and forced into a patrol vehicle. One of the women managed to obtain help from someone in the Rehabilitation Unit to get a letter to her family informing them of her whereabouts. Five days later, after having visited several different government departments, the family managed to obtain a letter of release for her, although they had to pay an administrative fee of 15,000 rupees.[16] Both women were subjected to vaginal examination during detention. Amnesty International is concerned at the reports of ill-treatment during the detention of alleged prostitutes. Furthermore, given the fact that those arrested are not formally charged or brought before a court and do not normally have access to lawyers and their families, the organization is also concerned that their arrests might be being used simply to intimidate and target women who are out alone at night.

## East Timor

Since the invasion of 1975, real and suspected supporters of independence for East Timor have been routinely tortured and ill-treated by Indonesian military personnel. Torture has been facilitated by the practice of unacknowledged and arbitrary detention, denial of access to independent lawyers, restricted access for human rights monitors and by the virtual impunity enjoyed by security officers in East Timor. In his January 1992 report, the UN Special Rapporteur on torture concluded that torture was common in East Timor, and included 11 recommendations for its prevention. The government has so far only implemented one of those recommendations: the creation of a national commission on human rights. The other recommendations have yet to be implemented: detainees are still regularly tortured and beaten, despite improved access to detainees by the International Committee of the Red Cross, and are denied access to family and independent lawyers. The government and military authorities consistently deny that torture and ill-treatment still occur in East Timor, but Amnesty International continues to receive testimony and reports which indicate that they do.[17]

For women in East Timor, torture can be in the form of rape or include other forms of sexual abuse. Women subjected to rape and torture include those suspected of being political opponents, the relatives of real or suspected political opponents, and women detained on criminal charges. Amnesty International has documented incidents of rape and sexual abuse against women in East Timor, but due to the lack of access to East Timor for independent human rights monitors, the level of military surveillance, and the fact that women appear reluctant to report rapes and sexual harassment, many incidents may not be recorded. East Timorese women subjected to rape, whether by security forces or by private agents, feel a deep sense of

shame for themselves and their families. Women are reluctant to pass on information to non-governmental organizations about rape and sexual abuse, let alone to report violations to the military or police authorities. Unofficial sources indicate that women who have been raped may talk to priests or nuns. An Australian lawyer assisting East Timorese asylum-seekers in 1994 found:

*"Most asylum-seekers who have histories of sexual assault have indicated that they have not spoken to anybody about these instances."*

Indonesian academic George Aditjondro, now living in Australia because he faces charges in Indonesia for his criticism of Indonesian rule in East Timor, has conducted extensive research on the social and environmental impact of Indonesia's invasion of East Timor. He concluded that circumstances surrounding the military occupation have resulted in sexual harassment being rife. Aditjondro's research led him to conclude that the more prevalent form of sexual relations between soldiers and East Timorese women was as a result of military pressure:

*"Adriana dos Reis, a young woman living in the village of Abafala in the subdistrict of Quelicai, Baucau, was kept for a while as the mistress of a commander of the Baucau army command (Kodim). Eventually she got pregnant and gave birth to a son. After this, the wife of the military officer came to join her husband in Baucau. Adriana and her baby had to return to the village."*

However, harassment did not stop there. She was constantly threatened by the officer's men not to show her face and tell the officer's wife that she had been her husband's (forced) mistress. Eventually to prevent the young woman from reporting the officer's misbehaviour to his superiors in Dili, earlier this year [1994] Adriana was forced to sign a letter addressed to Governor Abilio, wherein she stated that she apologized for besmirching the officer's name, and admitted that she had 'tempted' the officer into having sex with her."[18]

East Timorese women allege that they have been sexually harassed, abused and raped by members of the military during periods of mass arbitrary arrests as house-to-house searches are conducted. Often this occurs when the husband is either already detained or in hiding, and sometimes the intention is to obtain information about family members. One East Timorese asylum-seeker alleged that she was raped by soldiers who came to her house searching for her husband after the 1991 Santa Cruz massacre. She claims she was later raped again on several occasions.

Women detained on criminal charges are also at risk of rape. Saturlina da Costa, from Baucau, alleges that she was raped by two officers while in police custody after being arrested on a criminal charge in August 1994. Although her family submitted an appeal to the police in October 1994 asking for an inquiry, to Amnesty International's knowledge a full impartial inquiry has not yet been conducted. In February 1995 the National Chief of Police, General Banurusman, was requested to investigate the case. Although it is believed that two police officers were actually questioned in relation to the alleged incident, East Timor's Police Chief, Andreas Sugianto, in February denied the allegations saying that they were "slanderous".[19] The case of the alleged rape of a 12-year-old girl by a military officer in Manatuto in 1991 did apparently come to court. During the trial, the girl retracted her allegation and stated that she had willingly had sex with the officer. The military officer was transferred.

Women in East Timor are also subjected to threats of rape and sexual harassment by the security forces. A group of East Timorese asylum-seekers in Australia claim that since the unrest in East Timor in November 1994, the level of sexual harassment of women by the security forces has increased to the point where many women do not feel safe in the streets, even during the day. In areas of East Timor away from the domestic and international spotlight, the level of harassment appears to be greater. Ines (not her real name) was sexually abused in military detention. She was arrested after being shot during the Santa Cruz massacre in 1991 and was detained in a military hospital. On the night of 13 November 1991, while recovering from five bullet wounds, two soldiers came to her bed and cut off all her clothes and began to touch her body. She was unable to move because of her injuries. During interrogation several days later, one interrogator threatened that he would come and "sleep" with her. That night he did come to her room and she awoke to find him touching her breasts and other parts of her body. When she tried to run from the room he grabbed her and continued to molest her. She described how she had been affected by her experience:

*"If men are hurt they can recover and forget what happened but for women, if they are raped or tortured, they cannot forget. Their life is destroyed forever."*

More recently, some human rights violations in East Timor have been investigated by both *Komnas HAM* and the military. But this has not led to a process whereby all violations are systematically and independently investigated and members of the security forces responsible held properly to

account. Non-governmental organizations complain that if a woman who is raped by members of the security forces does feel confident enough to report the incident, little action, if any, is taken against those believed to be responsible. Those cases which are investigated are usually ones which have been taken up by the local or international community, and even then security officers are tried in military courts and, if sentenced, receive sentences which do not take into account the seriousness of the crime. Military and police authorities consistently deny that human rights violations, including torture and rape, take place in East Timor, despite persistent evidence to the contrary. In September 1995 East Timor Police Chief Andreas Sugianto denied reports of rape by soldiers:

*"There's no chance for such a thing to happen here... It seems that someone wants to create an impression that this region is worse than Bosnia. That's not true."*[20]

## Ill-treatment in the context of family planning

Official birth control policies have been in force in Indonesia since the mid 1970s. As a result, by mid-1991 the birth rate had dropped considerably from 5.5 births per family to less than three. The number of couples using contraception had increased from less than 10 per cent to more than 45 per cent. In September 1995 the government announced that, for 1996 and 1997, it had set a target for a decrease in the fertility rate from 2.65 children to 2.07 children per family. For this to occur, the government hopes that 4.7 million families will become new "accepters" of family planning. A number of state agencies, including the military and the National Family Planning Coordination Board are involved in campaigns to make women and men accept contraception.

The drive to introduce birth control has been accompanied by recurring reports of coercive practices, including the use of force, to make women accept contraceptive methods. Critics have argued that it is in the context of targets — and intensive family planning drives known as "safaris" — that force has been used, as local officials attempt to ensure that their quota of "accepters" is met. In 1991 an Australian researcher found that "...even well-designed and well-meaning social programs are carried out at the village level by military officials, or government workers trained in military procedures, and take the form of commands rather than requests or offers."[21] A more recent report on family planning found that while the government family planning body may have recognized the need to change its methods, this message has not always filtered down to the armed forces, particularly in areas where the armed forces have extensive control, such as Aceh.[22]

Women's groups in Indonesia reported that soldiers from local district military commands and police are frequently present when women are being given contraceptives. One Indonesian non-governmental organization reported that in Garut, West Java, in 1994, the husbands of a group of women who were refusing family planning were detained by KODIM. In another area which prior to 1965 was a stronghold of the Communist Party of Indonesia (PKI), those who opposed contraception were reportedly accused of being PKI sympathizers.

In a study of the birth control program in one district, researchers found a long history of police and army involvement in rounding up women in villages and forcing them to accept contraception:

*"...almost all refusals were dealt with by the police or the army. For example, husbands who refused to permit their wives to get contraceptives inserted would be summoned to the local military headquarters and were 'given advice' by the chief of the military.*

*"Another infamous incident was in 1988 when the women [in one village] were taken into a locked room and armed military men had their guns pointed at them. The women panicked and tried to escape through the closed glass windows...*

*"During our field visit in 1990, the police and the army, accompanied by family planning field officers, went from house to house and took the men and women of the village to the place where IUD [Inter-Uterine Device] insertion was undertaken. The contraception was inserted at gunpoint for those who continued to refuse."*[23]

One field worker described the security forces involvement in the family planning program in West Timor:

*"The first time family planning entered our village in 1988, it was forced. This happened four times between 1988 and 1989. The village head received a letter from government officials... All the villagers were ordered to go to the village office... Suddenly there were soldiers... They were not carrying arms but they were in uniform."*

The field worker described how the people, fearing that they would be "slapped" if they refused contraception, agreed. Contraceptive devices, including IUDs, were then fitted. Those who did not agree

tried to run away by climbing out a window, but were caught and brought back, some crying.[24]

Amnesty International takes no position on the official family planning program in Indonesia, but is concerned that some of the coercive methods employed in implementing the program amount to cruel, inhuman or degrading treatment. Amnesty International is urging the Indonesian Government to ensure that regulations prohibiting coercive measures which constitute cruel, inhuman or degrading treatment are incorporated into the family planning program.

## 3. EXTRAJUDICIAL EXECUTIONS, "DISAPPEARANCES" AND THE DEATH PENALTY

Women in Indonesia and East Timor are at risk of "disappearance", extrajudicial executions and the death penalty. In recent years, several women have been the victims of extrajudicial execution in East Timor, Aceh and also during peaceful protests. Between 10 and 45 women were believed to be among the estimated 270 killed in the Santa Cruz massacre in East Timor in 1991. Women were also among the estimated 2,000 believed to have been killed during the counter-insurgency operations in Aceh from 1989 to 1993, and among those killed in the immediate aftermath of the alleged PKI coup attempt in 1965.

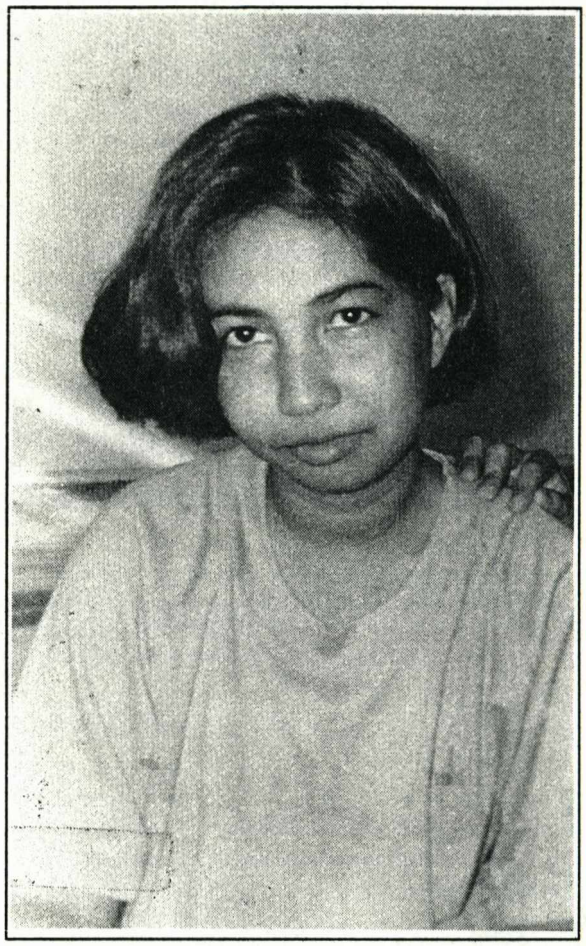
Mutirah was among four people killed on 25 September 1993 when the security forces opened fire on some 500 demonstrators at the proposed site of the Nipah Dam on the island of Madura. The group was protesting against the construction of the dam, which would flood their land and submerge four villages. According to independent sources, the killings occurred as the demonstrators, many of them women and children, approached a team of government surveyors who were accompanied by at least 20 police and military personnel, to voice their opposition to the project. The shooting reportedly began on orders from the commander of the Banyuates KORAMIL. A fact-finding investigation by the Indonesian Legal Aid Foundation found no evidence that the demonstrators had carried any weapons or that they had behaved in an aggressive or threatening manner. Despite the fact that the villagers have lodged a complaint with *Komnas HAM*, there has yet to be a thorough and impartial investigation into the killings.

There are also women facing the death penalty. Namsong Sirilak, a Thai national, was sentenced to death in Medan in 1994. She was convicted of drug-trafficking, along with two men who were also sentenced to death. She is currently appealing to the Supreme Court, on the grounds that the most fundamental evidence in the case, the heroin, was never presented before the court as evidence. Also, Namsong and her two co-defendants, who do not speak fluent Bahasa Indonesia, were not provided with adequate interpretation during their interrogation and trial. Her appeal for presidential clemency has already been rejected.

Nyonya Sumiarsih is also at risk of execution. She, her husband and their son were convicted of murder in 1989 and it was feared that they would be executed in August 1995. However, the three recently received a reprieve when the East Java District Court agreed to consider a review of their

case. Amnesty International urges the Indonesian Government to commute the death sentences of Namsong Sirilak and Nyonya Sumiarsih, and all others on death row.

Amnesty International believes that the death penalty is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment. In any judicial system that allows for the death penalty, there is always the risk that an innocent person may be executed. Amnesty International is particularly concerned that many criminal detainees on death row in Indonesia do not have adequate access to independent legal advice and are convicted after trials characterized by irregularities.



**Namsong Sirilak on death row in Medan**
*© Waspada*

# 4. THE LEGACY OF HUMAN RIGHTS VIOLATIONS

The Indonesian Government of President Suharto has been in power for 30 years since 1965 during which time grave human rights violations have been committed against women. While many of the individuals now being targeted for abuses are sometimes different from those who suffered immediately after October 1965, there are still many in Indonesia and East Timor who are bearing the scars of torture and unlawful imprisonment, and have not been compensated for violations. Almost all have watched those who committed the violations against them or their families continue their lives without being held to account. Impunity was clearly evident with the gross violations which occurred in the context of the alleged PKI coup in October 1965. It continued through the invasion of East Timor, to the civil conflict in Aceh from 1989 to 1993. The conditions allowing for the security forces to commit violations without being held properly and systematically to account continue today. As a result, women in Indonesia and East Timor continue to face arbitrary detention, imprisonment for the peaceful expression of their beliefs, torture, "disppearance", extrajudicial execution, and unfair trial.

## Impunity

In law, the perpetrators of human rights violations in Indonesia and East Timor can be brought to justice. Most of the acts that constitute or contribute to human rights violations are punishable under civil and military law. In practice however, human rights violations are seldom properly investigated, and few of those responsible are brought to justice. Existing procedures for seeking redress or compensation for the victims of human rights violations are also broadly ineffective.

One of the primary causes of impunity is that investigations into alleged violations are nearly always conducted by the security forces, and usually by members of the very unit believed to be responsible. Increasingly the authorities have responded to domestic and international concern by establishing military councils to investigate violations. These methods of investigations are not impartial, their full findings are never released publicly and any prosecutions resulting from the investigations are through military courts.[25]

The cases which are brought to court are usually those which have attracted international or domestic concern. For the many human rights violations which the authorities does not pursue, the individual, or their family, can attempt to take a civil action against the alleged perpetrator, during which they can be subjected to considerable pressure to drop the case. Sentences handed down to members of the security forces do not reflect the seriousness of the crimes committed and are often considerably lighter than sentences handed out to civilians for similar offences.

A new but less than satisfactory avenue of redress for those subjected to human rights violations is the Indonesian National Commission on Human Rights *(Komisi Nasional Hak Asasi Manusia — Komnas HAM)*, established under presidential decree in 1993. *Komnas HAM* has gone some way to addressing concerns regarding investigations of human rights violations, but Amnesty International considers that its existence has far from resolved concerns regarding the need for full and impartial investigations. *Komnas HAM*'s working methods and powers fall short of international standards concerning national human rights institutions, rendering its findings less than complete. The responsibility for this falls squarely with the Indonesian Government, which constantly refers to the establishment of *Komnas HAM* as evidence of a greater commitment to human rights but has yet failed to grant it all the powers required for it to be fully operational and independent. *Komnas HAM* is grossly under-resourced and does not contain a unit or department which deals specifically with violations against women. It never releases its full findings, making it difficult to determine the nature of the investigation in each particular case and the full import of its conclusions. In addition, the government has no formal obligation to consider *Komnas HAM*'s findings, leaving open the possibility that those responsible will not be held properly to account. Earlier findings by *Komnas HAM* have been either partially or completely ignored by the government.

Amnesty International considers that the Indonesian Government has not yet addressed the issue of full and impartial investigations into human rights violations committed by the security forces, or accountability for those who commit violations. As a result, women are still being unlawfully arrested and tortured, the "disappearance" or extrajudicial execution of their family members is not investigated and no compensation is given by the government.

## Impunity in East Timor

East Timorese women live with the legacy of past torture and rape, and of family members killed or "disappeared" during the 20 years of Indonesian rule in East Timor. Domingas Coelho was allegedly tortured in detention after her arrest in 1983. Her torture has never been investigated and she has received no compensation. Another woman, Linda

(not her real name) was detained along with her father in 1979 after their house was surrounded by Indonesian troops. Her mother and four siblings "disappeared" during the confrontation, and Linda believes they were arrested. Despite her repeated requests to the authorities, Linda still does not know what happened to her mother and her siblings. The families of the estimated 270 people killed and 200 "disappeared" during the 1991 Santa Cruz massacre are also still waiting to find out what happened to their sons, daughters, brothers and sisters. The Indonesian Government has failed to clarify the fate of all but a handful of those killed or "disappeared" during the massacre, despite several UN resolutions calling on the government to do so.[26]

## The women of Aceh: still suffering

Grave human rights violations occurred in the context of a civil conflict which flared in Aceh, on the northern tip of the island of Sumatra, from 1989 to 1993. In December 1976 an armed opposition group, *Aceh Merdeka* (Free Aceh), unilaterally declared independence. By 1989 *Aceh Merdeka* had gained the sympathy of a significant cross-section of the population, particularly in the northeast. However, counter-insurgency operations begun in mid-1990 have greatly weakened the group's strength. During the military's counter-insurgency operations, Amnesty International estimated that some 2,000 people, including women and children, were killed either in public executions or in secret killings. Others, including women, were held in unacknowledged detention, tortured, and imprisoned after unfair trials, or have "disappeared". Amnesty International is not aware of any member of the security forces being held to account for the killings and other violations which occurred during the military's operations.

In Aceh, women continue to suffer human rights violations as a result of the impunity granted to members of the security forces. Most of the women whose husbands were extrajudicially executed or have "disappeared" have had no official explanation from the government, nor have they received any compensation. In addition to this hardship, the women are continuing to live under intense military surveillance. In April 1995 Amnesty International interviewed two Acehnese women, Djumilah and Maya (not their real names), widowed when their husbands were killed in 1991 after being arrested by the military in Lhoksuemawe, Aceh. Djumilah's husband's body was returned, but Maya never received her husband's body. Their stories are illustrative of what happened to many women in Aceh, events which are now largely ignored by the Indonesian Government and the international community. The two women have had no official notification of their husbands' deaths, have not seen those responsible brought to justice, and they have not received any compensation.

Djumilah said she watched her husband being arrested by soldiers from the Special Forces Command *(Kopassus)* during the Muslim fasting month of Ramadan in 1991. In the absence of a warrant, she asked why he was being arrested but was only told that the military just needed to take him for a while and that he would probably be brought back the following day. He did not return. Several days later an officer from *Kopassus* came requesting soap, a towel and cigarette money for her husband in detention. After eight days the *Kopassus* officer returned again asking for more money for cigarettes. The next day his body was discovered at the village guard post and Djumilah sent a relative to retrieve it. There were bullet holes in his neck and blue marks all over his face. There were also cigarette burns all over his arms.

Maya never saw her husband again after his arrest in 1991. Eight armed *Kopassus* officers came to arrest him, saying that they were taking him for three days only. When he did not return, her brother went to the local *Kopassus* command to ask where he was, but the military denied any knowledge of his whereabouts. For two months Maya did not know if he was still alive. She herself was too frightened to go to *Kopassus*. Maya believes that her husband was taken to a local military detention centre called Rancun, which was well known for being a place where detainees were tortured and frequently killed. About two months after he was taken, a relative of Maya's said he saw her husband's body on the side of a road. Maya does not know for sure if this was her husband, but she is sure her husband is dead. Neither Djumilah nor Maya knows why their husbands were arrested.

Since then, Djumilah and Maya have lived in fear. Members of the security forces are suspicious of women without husbands, frequently suspecting that an absent husband may have fled to join the armed resistance. Approximately a year after their husbands were arrested, Maya and Djumilah, along with five other women, were called to the KORAMIL office and asked where their husbands were. The other five women were from a nearby village and their husbands had also been arrested and had "disappeared". Djumilah tried to explain that her husband was dead. When asked how she knew this she explained that someone from *Kopassus* had brought the body back. "Why didn't you come and pick him up before he died?", the officer asked her. Djumilah is now 30 and has three children. She cried as she explained to Amnesty International that life was hard for her now. Maya has

six children. She complained of the difficulties that women such as herself have in finding work now, particularly around Lhoksuemawe where most of the work available is in heavy industry. While the level of human rights violations in Aceh has declined dramatically since 1993, Amnesty International is still concerned that the level of military surveillance in the area results in difficulties for international and domestic human rights monitors to accurately record what violations still occur. In addition, even though the large-scale killings and "disappearances" are over, Amnesty International considers that the Indonesian Government still has an obligation to investigate the human rights violations, to bring the perpetrators to justice and to provide compensation to the women like Djumilah and Maya who are still waiting for the government to acknowledge what happened to their husbands.

## The legacy of 1965 — the women's story

On 1 October 1965 a handful of army officers loyal to former President Sukarno killed six army generals whom they suspected of disloyalty to the president. The authorities attributed this event to the PKI, and staged a successful counter-coup which resulted in massive human rights violations. In less than one year, between 500,000 and one million real or suspected PKI supporters were killed. Some 500,000 more were arrested and about 1,000 were tried in courts which failed to meet the most basic standards of fairness.

In 1977 Amnesty International estimated that about 2,000 women were still being held without trial throughout Indonesia. The vast majority were released in 1979 but a handful remained in detention until the 1980s. There are now no women still detained as a result of the events in 1965. However, the legacy of that period is strong. There has also been no investigation into the human rights violations, including killings, torture, unlawful arrests and detentions, and unfair trials suffered by the women imprisoned as a result of the 1965 events. Those who committed human rights violations have never been brought to justice and the victims and their families have never received compensation. Meanwhile, the fear of a communist revival is perpetuated by the government, which continues to monitor the movements of those now released.

Many women arrested after 1 October 1965 were actual or alleged members of the *Gerakan Wanita Indonesia* (*Gerwani*), Indonesian Women's Movement, legal under the Sukarno government. While not officially affiliated to the PKI, *Gerwani*, had a claimed membership of more than one million and was a part of the left-wing movement. The organization was particularly singled out for attack because of false allegations that its members were involved in mutilating the genitals and gouging out the eyes of the six generals kidnapped and killed during the coup-attempt. Although post-mortem examinations revealed that there had been no mutilation, the stories persisted and resulted in *Gerwani* being accused by the authorities of having mobilized the women who allegedly committed the abuses. Other women detainees included those who were suspected of being involved with the PKI, members of the trade union movement and those arrested because of the activities of their parents, husbands or children. Now released from prison, not one of these women had received a fair trial. Many now try to conceal their identity, largely because of the practical difficulties that are placed on former prisoners by the government. Amnesty International interviewed several of the women in April 1995, and while they are keen for their stories to be told, even now they still do not want their identities revealed: a mark of the continuing problems that these women face almost 30 years after they were first arrested.

One woman, a senior official of *Gerwani* was imprisoned for nine years after being arrested in 1969. She was never charged or tried and the only accusation against her was that she was a member of an organization which had now become illegal. She considered herself lucky however, as many other members of the organization were killed. She knew of at least three *Gerwani* women who had been killed in one town alone in Central Java. After her release from prison she had to obtain permission if she wanted to travel to visit her children. Until three years ago, she was still reporting to the military authorities on a regular basis.

Another woman whose husband was a regional leader of the PKI was arrested in 1966 after her husband went into hiding. In place of her husband, she and her two daughters aged 10 and 12 were arrested and interrogated. At the time she did not know the extent of her husband's political activities and she herself was not a member of the PKI. She was detained for eight years and her daughters for five years. Her husband was also ultimately arrested. She claims she was subjected to daily interrogation for two or three years, sometimes until midnight with questions starting again at 2am. She was frequently beaten and her face was kicked. Five or six times she received electric shocks on her fingers and toes. On another occasion, the guards placed a plank of wood on her body and pressed down, standing and jumping on top of it, until she bled through her vagina. Her youngest daughter was beaten and her face smashed. A few years after her initial arrest, she was punished because her daughter ran away from the prison. She was beaten and then placed, blindfolded, in soli-

tary confinement in a dark room with no windows for about a month. While in this room, she was raped, she thinks by more than one person, although she does not know how many or who they were. Being raped, she claims, was a common experience for women in her jail. She can still remember the names of some of the men who interrogated and tortured her by other methods.

Some women who were not arrested themselves, but whose husbands were arrested, have also described their experiences. For many, the memory of the arrests and the years of not knowing the fate of their husbands has left a legacy of fear of military authorities. One woman, whose husband was arrested in 1965 while she was out of the house, did not know for many months where he was being held. In 1967 her husband was moved to a prison on the island of Buru without being informed. For one year she did not know where he was, or whether he was alive. Prior to his move to the island, she was often harassed by prison guards when visiting her husband. On one occasion when she visited local military authorities to request details of her husband's situation, she was told, "You're lucky that we did not kill your husband". For years after his release, her husband was forced to report to local military authorities. She always went with him for fear of him not coming back. Now, 30 years after his arrest, she still feels frightened if she hears the sound of military boots or sees military personnel.

A recent report on former 1965 prisoners by the London-based human rights organization, Article 19, describes another example of the legacy of suffering for women. One woman, was just four years old when her parents were arrested. She was raised by relatives:

> *"...the girls had no idea of what had happened to their parents and, indeed, whether they were still alive... She did eventually find her mother, who was suffering from cancer and died not long afterwards. Some time later the woman found out that her father was still in prison and was able to visit him. However, she was permitted to see him rarely, and only for a short period of time. Even just before his execution, the woman was only allowed to see him for a few minutes."*[27]

Many of the women detained in the wake of the alleged coup attempt were also subjected to torture, including rape. Usually this was done by military intelligence officers seeking to obtain information from them. However, women were also tortured as a punishment and to humiliate them. The accounts of torture which the women provide indicate that the methods have not changed since the late 1960s: beatings, attacks with knives, burning with cigarettes, sexual assault, electric shocks and rape.

Women detainees were frequently stripped and beaten during interrogation. One woman, involved with the peasants' union, who was arrested in November 1966, was beaten and then had bullets placed between her fingers while the guards pressed down on her hands. She described the pain as being similar to electric shocks. Another woman, jailed with her, described being forced to watch her adult son being tortured with electric shocks in 1970. Another who had been subjected to long term imprisonment, told Amnesty International that after interrogation sessions she only had four teeth left. One of those raped and tortured was a 14-year-old girl arrested because she took part in a parade -- she was never a member of the PKI. She was held for seven years and repeatedly raped, including with a bottle. She was not taken to hospital or to a doctor, but was cared for by a fellow prisoner who was a doctor. The woman's health is now so affected that she cannot work. She has a child but is too physically and mentally affected to look after her.

Another woman, jailed for more than 10 years, was repeatedly beaten in detention:

> *"The number of times blows and the cane fell upon my entire body could not be counted. The split cane left wounds on my thighs, arms, back. My body was blue all over. But that was not enough because they had not got the confessions they sought, that I was involved in the 30th September movement...[The name given by the Indonesian Government for the alleged coup attempt] The torture was physical and mental. I was stripped naked in front of men... left naked for around one hour... I waited knowing that the torture would get worse... Two men placed small pieces of rattan*[28] *about the size of little fingers in between each of my fingers then pressed hard. A sense of sharp pain like pins and needles ran through my entire body... The pain went through my bones... They only released my hand after I had wet myself. I could not move any of my fingers... I thought all the bones were broken... As I stood up one military man plunged a knife into my right ear, then into the left. I keeled over in pain. One soldier offered me some water then threw it in my face and snatched my watch... Night after night we could not sleep. Because they always called us for interrogation at about 1 o'clock at night."*

A few days later she was accused of giving a gift to former President Sukarno:

> *"The interrogator was angry and asked his assistant to crush my fingers under his boots.*

*I don't know how many minutes my fingers remained under his foot. The interrogator asked angrily 'Now will you confess?' I remained silent and shut my eyes. He screamed 'ten lashes'. The man standing on my hand moved away as the one with a sharp cane approached... I had three nights of interrogation and torture."*

One woman, whose mother and eight-year-old daughter were both also tortured, described her experiences shortly after being arrested in 1966:

*"If I answered correctly, I was tortured. If I answered that I didn't know the names and didn't know where they lived, I was beaten just the same. I was truly amazed. I concluded that they were so vengeful towards the PKI. After they questioned me again I remained silent in a thousand tongues, or if I felt like it, I just tried to answer in a few words... I no longer felt their torture, as if my body was already invulnerable".*

She is now suffering from severe memory loss, and when interviewed in April 1995, she kept pointing to the scars on her head where her hair was pulled out during interrogation.

Not one of these victims of human rights violations, or the families of those extrajudicially executed, unlawfully detained or tortured, have received adequate redress from the government. There have been no impartial investigations into the human rights violations which occurred in the wake of the alleged coup attempt and no victims or their families have received any compensation from the government. Amnesty International considers that, despite recent steps taken by the Indonesian Government, members of the security forces still operate with a degree of impunity which allows women in Indonesia and East Timor today to be subjected to human rights violations.

# 5. RECOMMENDATIONS

Amnesty International considers that the following recommendations, if implemented, could lead to the greater protection and promotion of the human rights of women in Indonesia and East Timor.

## Promoting the human rights of women

1. Ratify and implement international treaties for the protection of human rights, including the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Immediately ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the government signed in 1985;

2. Ensure that all members of the armed forces receive training in national and international human rights protection, particularly in relation to women. Ensure that all law enforcement officials are trained to use force in strict accordance with international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

3. Provide sufficient resources and expertise to *Komnas HAM* to enable it to satisfactorily carry out its mandated task of human rights training of members of the security forces.

4. Implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

## Torture and ill-treatment, including rape and sexual abuse, by government agents

1. Inform families immediately of any arrest and keep them informed of the whereabouts of the detainee or prisoner at all times. All detainees should have access to family members and legal counsel of their own choice promptly after arrest and regularly throughout their detention;

2. Ensure the effectiveness of judicial remedies to enable lawyers and relatives to locate prisoners and obtain the release of anyone who has been arbitrarily detained;

3. To reduce the risk of rape and sexual abuse, ensure that female guards are present during interrogation of female detainees;

4. Record the duration of any interrogation, the intervals between interrogations and the identity of the officials conducting each interrogation and of other persons present;

5. Hold female detainees and prisoners separately from male detainees and prisoners;

6. Give all detainees and prisoners the opportunity to have a medical examination promptly after admission to the place of custody and regularly thereafter. They should also have the right to be examined by a doctor of their choice;

7. Provide all necessary pre-natal and post-natal care and treatment for women in custody and their infants;

8. Ensure that regulations prohibiting coercive5 measures which constitute cruel, inhuman and degrading treatment, are incorporated into the family planning program.

## Arrest and imprisonment

1. Ensure that women activists, including labour activists, are not at risk of arbitrary arrest or imprisonment for their non-violent activities and that they enjoy all the rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Stop the practice of harassment and arrest of women solely on the basis of their family connections.

## Investigation and compensation

1. Conduct prompt, thorough and impartial investigations into all reports of torture or ill-treatment. Any law enforcement agent or government official found responsible for such acts, or for encouraging or condoning them, should be brought to justice;

2. Conduct immediate and impartial investigations into all reports of extrajudicial execution and "disappearances" of women, including forensic investigations;

3. Establish a section within *Komnas HAM* to deal specifically with allegations of violations against women, taking into account the particular needs of women who have been raped and tortured by members of the security forces. Provide sufficient resources and logistical support to *Komnas HAM* to *enable it to fulfill this function;*

4. Demonstrate a commitment to act on all *Komnas HAM* findings of human rights violations, including torture;

5. Provide fair and adequate redress to the relatives of victims of "disappearance" and extrajudicial execution including financial compensation;

6. Provide fair and adequate compensation and appropriate medical care to victims of torture, rape and sexual abuse in custody;

7. Ensure unrestricted access to independent international and domestic human rights monitors and journalists to all areas of Indonesia and East Timor.

# ENDNOTES

[1] *Reuters*, 29 August 1995

[2] *Republika*, 29 July 1995

[3] *Jakarta Post*, 22 July 1995.

[4] For further information, see Amnesty International reports, *Indonesia: Labour Activists Under Fire (ASA 21/10/94), May 1994, and Indonesia: Workers' rights still challenged*, (ASA 21/29/95), June 1995.

[5] *Waspada*, 5 August 1994

[6] *Merdeka*, 21 April 1995

[7] Indonesian human rights lawyer, Mulya Lubis, quoted in *Asiaweek*, 5 January 1994

[8] *Jawa Pos, 20 June 1995*

[9] *Kompas*, 3 December 1994

[10] *Suara Merdeka*, 17 May 1995

[11] *Jakarta Post*, 20 May 1995

[12] *Suara Merdeka*, 16 July 1993

[13] *Bernas*, 17 March 1994.

[14] *Jakarta Post*, 12 August 1992

[15] *Jakarta Post*, 10 November 1994

[16] $US1 = 2,200 rupees (approximately)

[17] See recent Amnesty International reports, for example, *East Timor: Twenty Years of Violations* (ASA 21/33/95), July 1995.

[18] George Aditjondro, *In the Shadow of Mount Ramelau: The Impact of the Occupation of East Timor*, Indonesian Documentation and Information Centre, 1994, page 47.

[19] *Jakarta Post*, 8 February 1995

[20] *Reuters*, 3 September 1995

[21] TH Hull, "An Investigation of Reports of Coercion in the Indonesian Vasectomy Program", Australian International Development Assistance Bureau Appraisals, 1991

[22] *In the name of development: Human rights and the World Bank in Indonesia*, Lawyers Committee for Human Rights and the Institute for Police Research and Advocacy, July 1995

[23] "Family Planning Program in Indonesia: A plea for policy reorientation", presented to the INGI Conference, Washington DC, 1991

[24] "I'd rather drink coconut juice: Gender concerns in Primary Health Care", Yayasan Haumeni

[25] For further information see Amnesty International reports, *East Timor: The Liquiza Killings* (ASA 21/15/95) and *Irian Jaya: National Commission on Human Rights confirms violations* (ASA 21/47/95), September 1995.

[26] See Amnesty International reports, *East Timor: Twenty Years of Violations* (ASA 21/33/95), July 1995

[27] *Surveillance and Suppression: The legacy of the 1965 Coup in Indonesia*, Article 19, September 1995

[28] Cane-like stems

**KEYWORDS:** WOMEN1 / TORTURE/ILL-TREATMENT1 / SEXUAL ASSAULT1 / ARBITRARY ARREST1 / INCOMMUNICADO DETENTION1 / TRIALS1 / IMPUNITY1 / PRISONERS OF CONSCIENCE1 / TRADE UNIONISTS1 / POLITICAL ACTIVISTS1 / DISAPPEARANCES / EXTRAJUDICIAL EXECUTION / DETENTION WITHOUT TRIAL / LONG-TERM IMPRISONMENT / DEATH PENALTY / SEXUAL HARASSMENT / SURVEILLANCE / EXTORTION / SOLITARY CONFINEMENT / CONFESSIONS / BANNING / STUDENTS / FAMILIES / FOREIGN NATIONALS / CHILDREN / JUVENILES / MILITARY / POLICE / PRISON STAFF / ARMED CIVILIANS / DEMONSTRATIONS1 / STRIKES / LAND PROBLEMS / ARMED CONFLICT / DRUG-TRAFFICKING / COUPS / POST MORTEMS / PRISONERS' TESTIMONIES / ICRC / PHOTOGRAPHS /

# HUMAN RIGHTS ARE WOMEN'S RIGHT

**This report is published as part of Amnesty International's 1995 campaign to protect and promote women's human rights. For more information, contact Amnesty International in your country or write to: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.**

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***Cover photograph:*** **Women workers on strike in East Java, 1993**